United Nations ST/AI/2009/1

Secretariat

30 November 2009

Administrative instruction

Recovery of overpayments made to staff members

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4, hereby promulgates the following rules to be applied to the recovery of overpayments made by the Organization to staff members:

Section 1
Definitions

The following definitions shall apply for the purposes of the present instruction:

(a) "Overpayments" are payments made by the Organization to a staff member in excess of his or her entitlements under the Staff Regulations and Rules and relevant administrative issuances. Overpayments may occur in conjunction with periodic payments (for example, salary, post adjustment, dependency allowance, rental subsidy and mobility, hardship and non-removal allowance) or settlement of claims (for example, education grant, tax reimbursement and travel expenses);

(b) "Advances" are advance payments made against expected entitlements when such payment is authorized under the applicable rules, as is the case for salary advances, and advances relating to travel, education grant and tax reimbursement, where determination of the entitlement is subject to the timely submission of a fully substantiated claim. "Advances" also include payments authorized by the Secretary-General under exceptional and compelling circumstances;

(c) "Monthly payments" are the monthly earnings of a staff member less payroll deductions, excluding payroll deductions made at the request of the staff member for payment to the United Nations Federal Credit Union or a similar institution.

Section 2
General provisions

2.1 The present instruction shall apply to the recovery of overpayments, not to recovery of advances, which shall normally be recovered immediately and in full against the monthly payments received by staff members.

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2.2 Overpayment creates on the part of the staff member an indebtedness which shall normally be recovered by means of deductions from salaries, wages and other emoluments under staff rule 3.17 (c) (ii). However, the Director of the Accounts Division for staff members payrolled in New York, or the Chief of Administration or the Chief Civilian Personnel Officer for staff members payrolled at other duty stations, may agree with the staff member who has received overpayments on alternative means of repaying the amount due, such as payment by bank cheque or personal cheque from the staff member.

2.3 If the Organization discovers that an overpayment has been made, the office responsible for the determination and administration of the entitlement shall immediately notify the staff member. That office shall keep a record of such notification.

2.4 If a staff member discovers that an overpayment has occurred, he or she shall advise the Organization immediately.

Section 3
Amounts to be recovered

3.1 Overpayments shall normally be recovered in full. However, when the Controller determines that the overpayment resulted from an administrative error on the part of the Organization, and that the staff member was unaware or could not reasonably have been expected to be aware of the overpayment, recovery of the overpayment shall be limited to the amounts paid during the two-year period prior to the notification under section 2.3 of the present instruction, or to the advice under section 2.4 of the present instruction, if earlier. Such recovery could, if circumstances so warrant, be made in instalments as determined by the responsible officials referred to in section 2.2 above. Any overpayment in excess of the same entitlement that may be made after the date of such notification or advice shall be recovered in full.

3.2 The two-year limitation provided by section 3.1 of the present instruction shall not apply (a) to the deduction of pension contributions or (b) when the facts indicate that an overpayment was due to the submission of erroneous, fraudulent or incomplete information by the staff member.

Section 4
Final provision

4.1 The present administrative instruction shall enter into force on the date of its issuance.

4.2 Administrative instruction ST/AI/2000/11 of 12 October 2000 is hereby abolished.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management